

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED

JUL 01 2002

STATE OF LOUISIANA* MOREHOUSE PARISH * 4th DISTRICT COURT

MITCHELL SILK

FILED: _____

VERSUS NO. 2002-372

TRANSCOR AMERICA

CV02 - 1384 - M
DEPUTY CLERK OF COURT

May 22 3 29 PM '02
BY: SHERRILL M. TRICHELL
CLERK & RECORDER
OF MOREHOUSE PARISH, LA.

ROBERT L. SHIMMELL, CLERK
DEPUTY

PETITION FOR DAMAGES

NOW INTO COURT, through the undersigned counsel, come Plaintiff,

MITCHELL SILK, a major domicilliary of Morehouse Parish, State of Louisiana and respectfully alleges as follows:

JUDGE JAMES

MAGISTRATE JUDGE KIRK

1.

Made Defendants herein are;

- a.) Transcor America, a foreign corporation who may be served through their agent for service of process CT Corporation Systems, 8550 United Plaza Blvd., Baton Rouge, Louisiana 70809.

2.

Defendants are liable unto plaintiff for pain and suffering, past and future medical expenses, future loss of earning capacity and legal interest from date of judicial demand until paid, together with all costs of these proceedings.

3.

On or about May 23, 2001, petitioner was being transported from Colorado to Bastrop, Louisiana in defendant's transportation van.

4.

In Tennessee, the van wheels dropped off the roadway in a highway construction area causing petitioner to be thrown on the floor and another transportee to be thrown on top of him.

5.

Petitioner has suffered an extruded lumbar disc, pain and suffering and past and future medical expenses.

6.

Defendant Transportation America is liable for the acts of tis driver in the following respects:

- a. Failure to look and see what was easily ascertainable;

(1)

ASSIGNED TO SECTION 2

- b. Failure to slow to a reasonable speed in a construction zone;
- c. Failure to keep the wheels of the van within the roadway.

WHEREFORE, plaintiff, **MITCHELL SILK** PRAYS that after due proceedings had, there be judgment in his favor and against Defendant, **TRANSCOR AMERICA**, for pain and suffering, past and future medical expenses, future loss of earning capacity, and legal interest from date of judicial demand until paid, together with all costs of these proceedings, and for all further just and equitable relief.

Respectfully submitted,



FRANCIS C. BROUSSARD

LEE & BROUSSARD

1105 Hudson Lane

P.O. Box 2712

Monroe, Louisiana 71207-2712

(318) 387-3872

Bar Roll # 17259

Sheriff, please serve:

Transcor America
through their Agent for Service of Process
CT Corporation Systems
8550 United Plaza Blvd.
Baton Rouge, LA. 70809

A TRUE COPY
of the within
certified to be
a true and correct
copy of the original
filed in the
Clerk's Office
of the
Court of the
United States
for the
District of
Louisiana
at
Baton Rouge
this
1st
day of
July
2002
by
the
Clerk
of
Court
[Signature]